

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MICHAEL ORAHOOD, et al.,

Plaintiff,

-vs-

DOLE FRESH VEGETABLES, INC.,

Defendant.

:

Case No. 3:03-cv-364

:

District Judge Walter Herbert Rice
Chief Magistrate Judge Michael R. Merz

:

ORDER

This case is before the Court on Defendant's Motion to Compel Disclosure pursuant to Fed. R. Civ. P. 26(a)(1) (Doc. No. 17) and Plaintiffs' Memorandum in Opposition (Doc. No. 21).

Initially, Plaintiffs argue that the parties have limited the disclosures to be made under Fed. R. Civ. P. 26(a)(1) to "medical reports, medical bills, lists of special damages, certification of wage loss, hospital bills and records, other bills and expenses." On the contrary, the Court's Amended Preliminary Pretrial Conference Order requires that the parties make the disclosures required by Fed. R. Civ. P. 26(a)(1) which include the quoted material, but are not limited to those materials.

Plaintiffs make a number of other arguments such as the other sources Defendants have for obtaining medical information about Plaintiffs because there is a parallel workers' compensation claim and the responsibilities Plaintiffs have for providing information with respect to that claim. There is no exemption in Fed. R. Civ. P. 26(a)(1) for information available from other sources. Each party in a federal civil case must make the disclosures required by Fed. R. Civ. P. 26(a)(1).

Defendants' Motion to Compel is granted. Plaintiffs' shall make the disclosures required by Fed. R. Civ. P. 26(a)(1) not later than May 21, 2005.

May 11, 2005.

s/ **Michael R. Merz**
Chief United States Magistrate Judge

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